

REMARKS

Claims **2-53** are pending in the application. Claims **2-53** stand rejected. Claims **3, 4, 22, 23, 35, and 36** are requested to be cancelled. Claims **2, 5, 8-14, 18, 19, 21, 24, 27-34, 37, and 40-46** have been amended. Support for these amendments is provided in the originally-filed specification on pages 38-45 and in Figs. 3 and 4, *inter alia*. No new matter has been added.

Rejection of Claims under 35 U.S.C. §112

Claims **1-14 and 21-46** stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the limitation ‘capable’ is said to render the claims vague and indefinite. Applicants respectfully disagree.

In making this rejection, the Office Action states that “language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation,” citing the MPEP. (See Office Action dated December 9, 2005, pages 2 and 3, section 2.) However, as used by Applicants, “operable to” merely describes an ability or feature of, for example, a configurable communication server, i.e., that it is “operable to perform a particular task.”

In general, a claim is considered to be definite, as required by the second paragraph of 35 U.S.C. § 112, when it defines the metes and bounds of a claimed invention with a reasonable degree of precision and particularity. See *In re Venezia*, 530 F.2d 956, 958, 189 USPQ 149, 151 (CCPA 1976). The applicant respectfully submits that the scope of claims **2-53** can readily be ascertained, and thus use of the term “operable to” does not render the claims indefinite.

Despite Applicants' position on this point, Applicants have amended the claims to more clearly distinguish over the cited references and to further prosecution, thereby eliminating the phrase 'operable' from the claims. Accordingly, Applicants respectfully submit that the claims 2-53 are definite and allowable.

Rejection of Claims under 35 U.S.C. §102

Claims 2-53 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wagner, U.S. Patent No. 6,092,102 ("Wagner"). Applicants have amended the claims to address this rejection in part and respectfully traverse this rejection in part. Amended independent claim 2 now includes the following limitations:

a configurable communication server to communicate via a communication channel by accessing information regarding a type of communication that uses the communication channel, wherein the configurable communication server determines

a command to issue to the communication channel to cause an outgoing communication to be sent if the type of communication is outgoing, and

an event response to perform in response to an event if the type of communication is incoming.

Independent claims 21 and 34 have been amended to include substantially the same limitations. Applicants respectfully submit that Wagner does not teach that the configurable communication server accesses information to determine a command to issue to the communication channel or an event response to perform in response to an incoming event. Accordingly, independent claim 2, its respective dependent claims 5-14, independent claim 21, its dependent claims 24-33, independent claim 34, and its dependent claims 37-46 are allowable for at least this reason.

In addition, Applicants respectfully reiterate their previous argument that the limitations of independent claims **15, 20, and 49** have not been shown. Each of independent claims **15, 20, and 49** requires receiving an event or a communication from a communication channel, determining a response by accessing information regarding the event or communication, and performing the response. Even assuming *arguendo* the position stated in the Office Action that sending an acknowledgement of a message is an event or communication received from the communication channel (a point which Applicants do not concede), no counterpart has been shown to accessing information about the event or communication to determine a response. Furthermore, no counterpart has been shown to an event response or to a response to the communication. Consequently, all limitations of independent claims **15, 20, and 49** have not been shown. As a result, independent claim **15**, its dependent claims **16-19 and 47**, independent claim **20** and its dependent claim **48**, independent claim **49**, and its dependent claims **50-53** are allowable for at least the foregoing reasons.

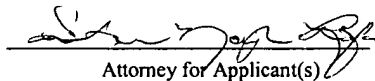
In conclusion, claims **2-53** have been shown to be allowable over Wagner because all limitations of independent claims **2, 21, 34, 15, 20, and 49** have not been shown. The application is believed to be allowable for at least the foregoing reasons.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on

Feb 9, 2006.

 2/9/06
Attorney for Applicant(s) Date of Signature

Respectfully submitted,



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